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EXAMINER

JEAN GILLES, JUDE

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2143

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,025

Applicant(s)

DELIMA ET AL.

Examiner

Jude J. Jean-Gilles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8, 12-18, 21, 22, 26-30, 33, 34 and 38 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 9-11, 19, 20, 23-25, 31, 32 and 35-37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Action is in regards to the Reply received on 11/03/2005.

Response to Amendment

1. This action is responsive to the application filed on 11/03/2005. No claim has been amended. There are no newly added claims. Claims 1-38 are pending. Claims 1-38 represent a method and apparatus for "policy-based packet classification."

Response to Arguments

2. Applicant's arguments with respect to independent claims 1, 8, 13, 14, 15, 22, 27, and 34 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the existing ground of rejection as explained here below.

The dependent claims stand rejected as articulated in the Second Office Action and all objections not addressed in Applicant's response are herein reiterated.

Information Disclosure Statement

3. The references listed on the Information Disclosure Statement submitted on 07/12/2001 have been considered by the examiner (see attached PTO-1449A).

Claim Objections

4. **Claims 5, 6, 9-11, 19, 20, 23-25, 31, 32, and 35-37** are objected to as being

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dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1, 7, 8, 12-15, 21, 22, 26, 27, 33, 34 and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Edelman(Edelman), U.S. Patent No. 6,857,067 B2 in view of Mohaban et al. (Mohaban), U.S. Patent No. 6,788,647 B1.

Regarding **claims 1 and 15**, Edelman teaches the invention substantially as claimed. Edelman discloses a method in a data processing system for processing a request, the method comprising:

receiving the request (column 3, lines 42-45; column 4, lines 43-55);

responsive to a first hash value being present within the request, comparing the first hash value to a second hash value, wherein the second hash value represents a current policy configuration (column 10, lines 13-63). However, Edelman does not specifically teach the current policy configuration to be a for a quality of service and that responsive to a match between the first hash value and the second hash value, setting a quality of service based on information associated with the first hash value.

In the same field of endeavor, Mohaban discloses a method for “creating and storing an entry in a table that uniquely identifies the network data flow and that includes the inbound value” [see Mohaban; column 6, lines s1-15; column 8, lines 40-67; column 9, lines 1-3].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Mohaban’s teachings of a method and apparatus to use hash value to set the quality of service, with the teachings of Edelman, for the purpose of “*preventing unauthorized access to electronic data stored on an electronic device*” as stated by Edelman in lines 1-4 of column 5. Thus, Mohaban also provides motivation to combine by stating a need to also provide to the network with “*a way to set quality of service values for packets transmitted in the network flow in both directions of a flow among a sender and a receiver.*” [see Mohaban column 5, lines 5-8]. By this rationale **claims 1 and 15** are rejected.

Regarding **claim 7**, the combination Edelman-Mohaban teaches the method of claim 1, wherein the data processing system is a server [see Edelman, fig. 1, item 110; column 6, lines 29-60]. The same motivation that was used for the rejection of claim 1 is also valid for **claim 7** [see Mohaban; column 5, lines 5-8]. By this rationale, **claim 7** is rejected.

Regarding **claim 8**, the combination Edelman-Mohaban teaches a method in a data processing system for processing a request, the method comprising:

responsive to receiving a request containing a selected cookie in which the selected cookie includes a first hash value and information associated with the hash

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value, determining whether the first hash value corresponds to a second hash value, wherein the second hash value represents a current policy configuration for processing requests by the data processing system [see Edelman; column 10, lines 13-63]; [see Mohaban; column 6, line s1-15; column 8, lines 40-67; column 9, lines 1-3]; and

responsive to a correspondence between the first hash value and the second hash value, processing the request using the information [see Edelman; column 10, lines 13-63]; [see Mohaban; column 6, line s1-15; column 8, lines 40-67; column 9, lines 1-3]. The same motivation that was used for the rejection of claim 1 is also valid for **claim 8** [see Mohaban; column 5, lines 5-8]. By this rationale, **claim 8** is rejected.

Regarding **claim 12**, the combination Edelman-Mohaban teaches the method in the data processing system of claim 8, wherein the information includes a quality of service indicator [see Mohaban; column 8, lines 40-67]. The same motivation that was used for the rejection of claim 1 is also valid for **claim 12** [see Mohaban; column 5, lines 5-8]. By this rationale, **claim 12** is rejected.

Regarding **claim 13**, the combination Edelman-Mohaban teaches a data processing system comprising:

a bus system [see Mohaban; fig. 4, item 402; column 9, lines 32-67; column 10; lines 1-67];

a communications unit connected to the bus system [see Mohaban; fig. 4, item 402; column 9, lines 32-67; column 10; lines 1-67];

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a memory connected to the bus system, wherein the memory includes a set of instructions [see Mohaban; fig. 4, item 406; column 9, lines 32-67; column 10; lines 1-67]; and

a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to receive the request; compare the first hash value to a second hash value in response to a first hash value being present within the request, wherein the second hash value represents a current policy configuration for a quality of service; and set a quality of service based on information associated with the first hash value in response to a match between the first hash value and the second hash value [see Mohaban; fig. 4, item 404; column 9, lines 32-67; column 10; lines 1-67; column 10, lines 13-63];[see Edelman; column 10, lines 13-63]. The same motivation that was used for the rejection of claim 1 is also valid for **claim 13** [see Mohaban; column 5, lines 5-8]. By this rationale, **claim 13** is rejected.

Regarding **claim 14**, the combination Edelman-Mohaban teaches a data processing system comprising:

a bus system; a communications unit connected to the bus system [see Mohaban; fig. 4, item 402; column 9, lines 32-67; column 10; lines 1-67];

a memory connected to the bus system, wherein the memory includes a set of instructions [see Mohaban; fig. 4, item 406; column 9, lines 32-67; column 10; lines 1-67]; and

a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to determine whether the first hash value corresponds to

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a second hash value in response to receiving a request containing a selected cookie in which the selected cookie includes a first hash value and information associated with the hash value, wherein the second hash value represents a current policy configuration for processing requests by the data processing system; and process the request using the information in response to a correspondence between the first hash value and the second hash value [see Mohaban; fig. 4, item 404; column 9, lines 32-67; column 10; lines 1-67; column 10, lines 13-63]; [see Edelman; column 10, lines 13-63]. The same motivation that was used for the rejection of claim 1 is also valid for **claim 14** [see Mohaban; column 5, lines 5-8]. By this rationale, **claim 14** is rejected.

Regarding **claims 21, and 33**, dependent **claims 21, and 33** are substantially the same as **claim 7**, and are thus rejected for reasons similar to those in rejecting **claim 7**.

Regarding **claim 22**, the combination Edelman-Mohaban teaches a data processing system for processing a request, the data processing system comprising:

determining means, responsive to receiving a request containing a selected cookie in which the selected cookie includes a first hash value and information associated with the hash value, for determining whether the first hash value corresponds to a second hash value, wherein the second hash value represents a current policy configuration for processing requests by the data processing system; and processing means, responsive to a correspondence between the first hash value and the second hash value, for processing the request using the information [see Mohaban; fig. 4, item 404; column 9, lines 32-67; column 10; lines 1-67; column 10, lines 13-63];

[see Edelman; column 10, lines 13-63]. The same motivation that was used for the rejection of claim 1 is also valid for **claim 22** [see Mohaban; column 5, lines 5-8]. By this rationale, **claim 22** is rejected.

Regarding **claims 26, and 38**, dependent **claims 26, and 38** are substantially the same as **claim 12**, and are thus rejected for reasons similar to those in rejecting **claim 12**.

Regarding **claim 27**, the combination Edelman-Mohaban teaches a computer program product in a computer readable medium for processing a request, the computer program product comprising: first instructions for receiving the request; second instructions, responsive to a first hash value being present within the request, for comparing the first hash value to a second hash value, wherein the second hash value represents a current policy configuration for a quality of service; and third instructions, responsive to a match between the first hash value and the second hash value, for setting a quality of service based on information associated with the first hash value [see Mohaban; column 9, line 34-67; column 10 lines 1-67]; [see Edelman; column 10, lines 13-63]. The same motivation that was used for the rejection of claim 1 is also valid for **claim 27** [see Mohaban; column 5, lines 5-8]. By this rationale, **claim 27** is rejected.

Regarding **claim 34**, the combination Edelman-Mohaban teaches a computer program product in a computer readable medium for processing a request, the computer program product comprising: first instructions, responsive to receiving a request containing a selected cookie in which the selected cookie includes a first hash

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value and information associated with the hash value, for determining whether the first hash value corresponds to a second hash value, wherein the second hash value represents a current policy configuration for processing requests by the data processing system; and second instructions, responsive to a correspondence between the first hash value and the second hash value, for processing the request using the information [see Mohaban; column 9, line 34-67; column 10 lines 1-67]; [see Edelman; column 10, lines 13-63] . The same motivation that was used for the rejection of claim 1 is also valid for **claim 34** [see Mohaban; column 5, lines 5-8]. By this rationale, **claim 34** is rejected.

7. **Claims 2-4, 16-18, and 28-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Edelman and Mohaban, as applied to claims 1, 8, 15, 22, 27 and 34 above, and in further view of Masters (Masters), U.S. Patent No. 6,374,300 B2.

Regarding **claim 2**, the combination Edelman-Mohaban teaches the invention substantially as claimed. Edelman-Mohaban discloses the data processing system of claim 1, but fails to disclose a method wherein the first hash value and the information are located in a cookie within the request.

In the same field of endeavor, Masters discloses a method with " a hash that provides a quickly determinable value in the Cookie for identifying a relationship between the client and the destination" [see Masters; column 16, lines 5-8].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Masters' teachings of a method and apparatus to use hash value within a cookie, with the data processing

system of Edelman and Mohaban, for the purpose of providing *“a way to set quality of service values for packets transmitted in the network flow in both directions of a flow among a sender and a receiver.”* [see Mohaban column 5, lines 5-8]. By this rationale **claim 2**, are rejected.

Regarding **claim 3**, the combination Edelman-Mohaban-Masters teach the method of claim 2, wherein the cookie is located within a header of the request [see Masters; column 5; lines 55-67]. The same motivation that was used for the rejection of claim 2 is also valid for **claim 3** [see Mohaban; column 5, lines 5-8]. By this rationale, **claim 3** is rejected.

Regarding **claim 4**, the combination Edelman-Mohaban-Masters teach the method of claim 1, wherein the request is a hypertext transport protocol request [see Masters; column 5; lines 55-67]. The same motivation that was used for the rejection of claim 2 is also valid for **claim 4** [see Mohaban; column 5, lines 5-8]. By this rationale, **claim 4** is rejected.

Regarding **claims 16, 17, and 18** dependent **claims 16, 17, and 18** are substantially the same as **claims 2, 3, and 4 respectively**, and are thus rejected for reasons similar to those in rejecting **claims 1, 3, and 4**.

Regarding **claims 28, 29, and 30** dependent **claims 28, 29, and 30** are substantially the same as **claims 2, 3, and 4 respectively**, and are thus rejected for reasons similar to those in rejecting **claims 1, 3, and 4**.

Response to Arguments

8. Applicant's Request for Reconsideration filed on November 11/03/2005 has been carefully considered but is not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main points of contention.

A. The Edelman does not teach or suggest all the limitations of independent claim 1. Specifically, Edelman does not teach the feature of responsive to a first hash value being present within the request, comparing the first hash value to a second hash value, wherein the second hash value represents a current policy configuration. Therefore, claim 1 is not obvious in view of Edelman because the features believed to be disclosed by this cited reference are not present.

B. Applicant contends that the office action does not provide any motivation to combine the cited references of Edelman and Mohaban.

C. Applicant contends that for reason cited in A and B, the independent claims 1, 13, 15, and 27 are patentable over the cited references of Edelman and Mohaban.

D. Masters teaches inserting a hash into a cookie in order to identify a relationship between the client and the destination , but does not teach comparing the first hash value to a second hash value, wherein the second hash value represents a current policy configuration.

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E. Applicant contends that absent some teaching, suggestion, or incentive in the prior art, Edelman, Mohaban, and Masters cannot be properly modified to form the claimed invention.

9. As to "Point A" it is the position of the Examiner that Edelman in detail teaches the limitations of the above-mentioned claims. However, in view of Applicant's remarks, stating that Edelman does not teach "the feature of responsive to a first hash value being present within the request, comparing the first hash value to a second hash value, wherein the second hash value represents a current policy configuration. Therefore, claim 1 is not obvious in view of Edelman because the features believed to be disclosed by this cited reference are not present", the Office feels necessary to point out the specific section of Edelman that suggests this teaching as explained above: [see Edelman, column 9, lines 12-39; column 10, lines 17-45]. The applicants mischaracterized the comparison of smart card data streams (or packets) as not being packets and that the use of this hash matching for security reason is different from its use for configuration and classification.

As to "Point B", it is also the Examiner's position that Mohaban *column 5, lines 5-8 and* Edelman in lines 1-4 of column 5 *motivate one of ordinary skill in the art to combine the references* Edelman and Mohaban for the purpose specified in claim 1 above.

As to "Point C", see point A and B above.

As to "Point D", it is also the Examiner's position that Masters teaches inserting a hash into a cookie in order to identify a relationship between the client and the destination in the context of the invention [see the rejection of claim 2]

As to "Point E", see the rejection of claim 2 above.

Response to Arguments

10. Applicant's Request for Reconsideration Applicant's arguments, filed on 11/03/2005, with respect to the rejection(s) of claim 1-38 have been fully considered and are deemed not persuasive. Therefore, the rejection and objection have been maintained. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.

Jude Jean-Gilles


Patent Examiner

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JJG



December 20, 2005



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